

# **Supporting Statement for Paperwork Reduction Act Submission**

**OMB Control Number 1018-0078**

**Injurious Wildlife; Importation Certification for Live Fish and Fish Eggs**

**50 CFR 16.13**

**Form Numbers FW 3-2273, 3-2274, and 3-2275**

**July 7, 2004**

## **General Instructions**

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 of the OMB Form 83-I is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

## **Specific Instructions**

### **A. Justification**

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

The Lacey Act (18 U.S.C. 42) ("Act") prohibits the possession or importation of any animal or plant deemed to be and prescribed by regulation to be injurious, to human beings, to the interests of agriculture, horticulture, forestry, or to wildlife or the wildlife resources of the United States. The Department of the Interior is charged with enforcement of this act.

The Act and our regulations at 50 CFR 16 allow the importation of animals classified as injurious if specific criteria are met. This information collection is used to determine if these criteria are being met. Specifically, this collection allows us to approve the importation of live salmonids or their reproductive products into the United States.

The importation of salmonids or their reproductive products is a three-step process. The first step is a request by the importer to bring the animals into the country. The request must provide information on the source and destination of the animals or reproductive products, as well as the numbers, species, and life stage of the desired import. The second step requires a health certification be submitted by a certified Title 50 inspector. The animals or reproductive products to be imported must be inspected for specific pathogenic organisms.

This certification must contain specific information about the animals or reproductive products to be imported and the finding of the disease assays performed. In addition, the certification must provide the site of border crossing, dates of importation, and other information aimed at accurately identifying the proposed imported animals and reproductive products. This allows the Service to track the animals and ensure the safety of both the commercial and natural aquatic resources of the United States. The Director of the Service is authorized (by 50 CFR 16.13(b)(1)) to designate certifying Title 50 inspectors. In order to ensure the qualifications of Title 50 inspectors, we require information from the inspectors regarding their professional credentials and facilities to be used in performing Title 50 inspection work. The final step in the process is to consult with the State natural resource agency of the State of import and ensure that agency agrees with issuance of a permit. If no objections are raised by the State and the health certificate is in order, an authorization for importation is issued.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. [Be specific. If this collection is a form or a questionnaire, every question needs to be justified.]

The collection of the Importation Request (3-2275) is used to determine what fish or fish reproductive product importations are being requested. The Service uses this information to ensure the safety of these shipments and to track and control these importations. We specifically request the following information:

- Name and address of the company/agency and facility receiving animals or eggs because we have to identify the ultimate destination of the animals or eggs in case there are future problems that require tracing the movements of the animals and so we can issue the permit to the appropriate entity.
- Number, life stage, and species of animals or eggs because we need to determine what tests to use and the number of samples that need to be tested and so we can identify the number of animals or eggs that can be imported.
- Origin of animals or eggs so we can establish a history and determine if there is any current or previous information available that might be a cause to deny the permit.
- Name and address of exporter because we have to identify the party responsible for the source animals or eggs in case there are future problems that require tracing the movements of the animals and so we can issue the permit for the movement of specific animals.
- Signature, and information (including title, address and other contact information) for signator, as well as the date of signature because we need to have verifiable documentation of the request for importation and the identification of the requesting individual who is also the responsible party.

The collection of the Certification Form (3-2274) is used by Title 50 certified inspectors to affirm the health status of the fish or their reproductive products to be imported. They will also provide information on the location and dates of the proposed importations so that the Service can track and monitor them. We specifically request the following information:

- Certifying official's name and date of most recent certification because we need to identify each Title 50 inspector and ensure that their certification is up to date and current.
- Number, life stage, and species of animals or eggs in shipment covered by the inspection because these facts affect the type of tests that are run and the numbers of samples that are evaluated.
- Site and date of sample collection allow us to ensure that samples are collected and analyzed in an appropriate time frame and from an appropriate source.
- Name and address of the laboratory conducting the assays, and the date the assays were completed, allows us to have a way to trace back test results that may prove incorrect and to provide the laboratory with specific information that would allow them to locate records in their own files if problems should arise.
- Site from which the animals or eggs will be shipped, the dates of the shipment, the means by which the shipment will be made, and the anticipated border crossing because this allows us to trace the animals or eggs and to notify Law Enforcement of the pending border crossing so they can be prepared to clear the live animals or eggs in a timely manner, and
- Signature, and information (including title, address and other contact information) for signator, as well as the date of signature because we need to be able to verify and hold the inspector responsible for the results reported on this form.

The collection of the Certifying Official Form (3-2273) is used to collect data to assess the professional qualifications and facilities available for the applying individual to become a certified Title 50 inspector. These certifications last 5 years. We specifically request the following information:

- Name, position title, current place of employment (with address), and work phone, fax, and e-mail because we need to identify and be able to contact the individuals by several means.
- Professional degree because we need to be sure the individual has had appropriate training.
- Areas of expertise, related certifications, and primary duties because we need to be sure the individual has appropriate experience.
- Facilities available for diagnostic tests and available equipment because we need some assurance that the individual has the wherewithal to conduct the necessary tests, and
- Signature and date of signature because we need to be able to verify and hold the inspector responsible for the information reported on this form.

Over all, this information is used to facilitate the importation of fish and their reproductive products while protecting U.S. commercial and natural aquatic resources.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any

consideration of using information technology to reduce burden [and specifically how this collection meets GPEA requirements.].

The Importation Request form (FW 3-2275) may be received by e-mail, and we expect more people will begin to use e-mail to submit this information. We estimate that approximately 10% of the responses for FW 3-2275 (or 5% of the total annual responses for the complete collection) will use e-mail to submit this form.

The remaining two forms (FW 3-2273 and FW 3-2274) require an original signature and therefore cannot be submitted electronically at this time. We ~~intend to make~~ <sup>have made</sup> these forms, as well as FW 3-2275, available online at <http://forms.fws.gov> as .pdf fillable files. Respondents ~~would~~ be able to complete the forms online, but then they must mail the forms to us. This information collection would not (at least initially) be an electronic transaction (i.e., the ability to submit the forms electronically) because we do not yet have digital signature capability, and we need an original signature on these forms. When digital signature capability becomes available in the Service, we will consider allowing electronic submission of these forms.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

No similar information is collected by the Fish and Wildlife Service or any other Federal agencies.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.

The impact on small entities will be minimal, amounting to only the small number of hours required to fill out the forms. However, if this collection is not approved, the impact on small businesses could be significant, as ceasing this collection would prevent small entities from importing fish or their reproductive products that may be vital to those businesses.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the Service were to cease collecting this information, the importation into the United States of fish and their reproductive products would have to stop. If importation were to continue without this information collection, it would jeopardize the health of our nation's commercial and natural fishery resources because we would not have the information we need to assess the health of, monitor, or track imported fish or their reproductive products. Ceasing the importation of fish and their reproductive products would negatively impact U.S. fisheries and

may create tensions with our international trading partners.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:
- \* requiring respondents to report information to the agency more often than quarterly;
  - \* requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
  - \* requiring respondents to submit more than an original and two copies of any document;
  - \* requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
  - \* in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
  - \* requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
  - \* that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
  - \* requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

Not applicable. There are no special circumstances that require this collection to be conducted in a manner inconsistent with OMB guidelines.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice [and in response to the PRA statement associated with the collection over the past three years] and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. [Please list the names, titles, addresses, and phone numbers of persons contacted.]

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These

circumstances should be explained.

On March 17, 2004, we published in the Federal Register (69 FR 12708) a notice requesting public comment on this information collection for 60 days, ending May 17, 2004. By that date, we received one comment from a single individual regarding this collection. The commenter did not raise any issues regarding our cost or hour burden estimates of this information collection. Instead, the commenter expressed concern that the information collection does not specifically define "fish" as "wild fish" or "fisheries resources," which are the responsibility of the U.S. Fish and Wildlife Service. The commenter went on to explain the responsibility of health protection of all forms of animal agriculture, including aquaculture, in the United States rests with the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture. Our authorizing legislation, which deals with injurious animals; Title 50 of the Code of Federal Regulations; and this collection specifically limit our responsibilities and authority to certain species and circumstances. In particular, this collection allows the Service to approve the importation of live salmonids and their reproductive products into the United States regardless of their source, destination, or use. As such, we do not believe that, at this time, we need to further define the term "fish" on these forms.

Additional comments were solicited from other individuals outside the Service who have experience with these forms. All of the responses indicated that the information being collected was necessary and appropriate and that the reporting burden was not excessive. The individuals were contacted and provided with copies of the forms via email. The individuals were:

Dr. Kevin Amos, NOAA Fisheries, [Kevin.Amos@noaa.gov](mailto:Kevin.Amos@noaa.gov)

Dr. Joseph Barlow, Microtek International, [Jbarlow@Microtek-Intl.com](mailto:Jbarlow@Microtek-Intl.com)

Dr. Deborah Bouchard, Micro Technologies Inc., [dbouchard@microtechnologies.biz](mailto:dbouchard@microtechnologies.biz)

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

Not applicable. We do not provide any gifts or payments to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

No assurance or guarantee of privacy is made to respondents with regard to any of the information collected.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

Not applicable. There are no questions of a sensitive nature.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- \* Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- \* If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.
- \* Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.

Below are estimated times and dollar values associated with completion of the three information collections. Number of respondents and responses are estimated based on previous collections. Time burden for each response is estimated based on the actual time required to completely fill out the form. Dollar values are calculated by multiplying the time burden by an approximate hourly wage of those individuals completing the form.

Type of Collection	Form Number	Annual Number of Respondents	Annual Number of Responses	Hour Burden per Response	Total Annual Burden Hours	Dollar Value of Total Annual Burden Hours
Importer's request to import fish or fish reproductive products	FW 3-2275	25	50	0.25	12.5 hrs	\$313.00
Health certification of fish or fish eggs	FW 3-2274	25	50	0.50	25 hrs	\$875.00
Application to be a designated official	FW 3-2273	16	16	1 hr	16 hrs	\$560.00
<b>TOTALS</b>			116		53.5 hrs	\$1748.00

13. Provide an estimate of the total annual [non-hour] cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- \* The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information [including filing fees paid]. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- \* If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information



collection, as appropriate.

- \* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

Not applicable. There is no non-hour dollar cost burden to respondents. There is no application fee associated with certifying fish and fish eggs for importation into the United States.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

Below are estimated times and dollar values associated with processing the three information collections. Number of responses is estimated based on previous collections. Time burden for each response is estimated based on the time required to completely process the form. Dollar values are calculated by multiplying the time burden by an approximate hourly wage of those individuals processing the form.

Type of Collection	Form Number	Annual Number of Responses Received	Hour Burden to Address Each Response	Total Annual Burden Hours	Dollar Value of Total Annual Burden Hours
Importer's request to import fish or fish reproductive products	FW 3-2275	50	1.0	50 hrs	\$1750.00
Health certification of fish or fish eggs	FW 3-2274	50	0.25	12.5 hrs	\$438.00

Application to be a designated official	FW 3-2273	16	0.50	8 hrs	\$280.00
<b>TOTALS</b>		116		70.5 hrs	\$2468.00

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

We are requesting the same number of hours (54), and cost burden (0), that were approved by OMB in February 2004 (as an emergency approval). Therefore, this collection does not have any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

Not applicable. The results of our collection will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable. We will display the OMB expiration dates on the forms.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

Not applicable. There are no exceptions to the certification statement identified in item 19 of the OMB 83-I.

#### Section B. Collections of Information Employing Statistical Methods

This collection does not employ statistical methods.